

January 26, 1984

LB 719

going to do the greater thing which is our responsibility which is to quickly and unequivocally acknowledge the state's liability to pay back all those Commonwealth depositors, then it certainly ought not do this particular thing that is envisioned in this bill. But even breaking it apart from the Commonwealth issue, it is a bad policy and I would like to ask Senator Hefner a question about...it's on page 2, Senator Hefner, line 1, there is a word which I want to ask you why is there. It says, "A county treasurer may." Why does it say "may" instead of "shall"?

SPEAKER NICHOL: Senator Hefner, would you respond, please?

SENATOR HEFNER: Certainly, Senator Chambers, I would be real happy to respond. The reason we put the word "may" in is because we wanted permissive legislation. The county treasurer does not have to do this if he or she does not want to.

SENATOR CHAMBERS: So then we're putting a bill in place, a law in place, if this passes, which allows different treatment of citizens based on the whim of a county treasurer with no guidelines or anything to direct his or her discretion.

SENATOR HEFNER: This is correct, Senator Chambers, and the reason we did this, we feel that these county treasurers are very competent in handling their own affairs. If they want to do it they can and if they don't want to do it they don't have to. We feel that this legislation should be permissive because maybe in some counties it would work quite a hardship on these county treasurers and we didn't want to do that.

SENATOR CHAMBERS: Well, Senator Hefner, is the bill being passed for the convenience of county treasurers or to benefit the citizens of Nebraska?

SENATOR HEFNER: I would say that it is for both of them.

SENATOR CHAMBERS: Well then some citizens can expect to be treated differently under a policy being put together by the Legislature and they can be treated differently strictly on the whim of a county treasurer. The county treasurer need